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State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

December 31, 2013

Certified Return Receipt
7012 3460 0002 9559 5482

Brett Bryson
Wasatch Mountain Excavating
905 North Main, Suite C3
North Salt Lake City, Utah 84054

Subject: Division Directive to Reclaim, Wasatch Mountain Excavating, Elite Rock West, S/049/0050, Utah County, Utah

Dear Mr. Bryson:

The purpose of this letter is to provide a summary and compliance update for the Elite Rock West mine. Correspondence from the Division of Oil, Gas and Mining dated August 28, 2013, required that regrading and seeding be completed by September 30, 2013. This requirement was based on rule R647-3-113.5

The Division has received numerous calls stating that you were having equipment problems and could not complete reclamation by the required date. The Division inspected the site on December 5, 2013, to check the status of the reclamation work, but it was difficult to verify whether reclamation work had begun because of the amount of snow on the ground. **Nevertheless, the Division believes that reclamation has begun and is willing to extend the deadline for the completion of regrading and seeding work until April 30, 2014. If reclamation is completed by this date and an outstanding fine is paid, the Division will waive the permit fees in the amount of \$600.00 (see further details below).**

Given the numerous extensions of deadlines for reclamation the Division has issued to Wasatch Mountain Excavating, failure to complete reclamation by April 30, 2014, is likely to result in enforcement action and associated fines together with the Division seeking forfeiture of the reclamation surety. This would include seeking reimbursement for the Division's costs, including payment of attorneys' fees and costs of reclamation in excess of the surety. The rules allow the Division to collect these costs in court.

Civil Penalty for Cessation Order MC-2007-01-16

Cessation Order MC-2007-01-16 was issued November 1, 2007, for exceeding the permitted acreage, and the subsequent fine was \$484.00 which has not been paid. A copy of the assessment letter is attached for your reference.



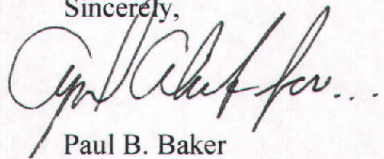
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Permit Fees

The Division has not received permit fees since 2008 leaving an outstanding balance of \$600.00 (\$150.00/year for 2009, 2010, 2012, and 2013; no fees were due in 2011). **The Division is willing to waive the unpaid permit fees in exchange for reclamation work being completed and the fine being paid by April 30, 2014.**

Please contact April Abate at 801-538-5214 or me at 801-538-5261 if you have questions or concerns about this letter. We will be contacting you prior to the April 30, 2014, date to coordinate a field visit at the site to verify that reclamation work is being completed. Thank you in advance for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul B. Baker", with a stylized flourish at the end.

Paul B. Baker
Minerals Program Manager

PBB: AA: eb
cc: Peggy Kelsey, Utah County
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